

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

By Fax

NOTE: This is a second petition
The first dated March 7, 2011
was rejected for absence of signature

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5871034Application Number 08520711Issue Date 1999-02-16 (Feb 16, 1999)Filing Date 1995-8-29 (Aug 29, 1995)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

October 10, 2011
Date

[Signature]
Signature

Allen Summer
Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ <u>Paid Earlier</u>	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ (Paid Earlier)

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ Paid Earlier

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☒

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

This is a resubmission after denial due to absence of signature
The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

Glen Sumner

Signature(s) of Petitioner(s)

October 10, 2011

Date

Glen Sumner

Typed or printed name(s)_____
Registration Number, if applicable

(713) 973 7285

Telephone Number

8306 Leafy Lane, Houston Texas 77055

Address_____
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☐

Maintenance Fee Payment

☐

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☒

I enclose \$400.00 as set out in 37 CFR 1.17(f) [per your letter sent June 17, 2011]

I enclose \$280.00 (in addition to above) and attach a Petition for a 2 month extension of time.

Commissioner For Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

In re Application of Glen Sumner, Inventor

Application Number 08/520,711 Filed: August 29, 1995

Patent Number 5,871,034 Date of Patent: Feb. 16, 1999

Title: Offshore Pipeline with Waterproof Thermal Insulation

Examiner. Patrick Brinson

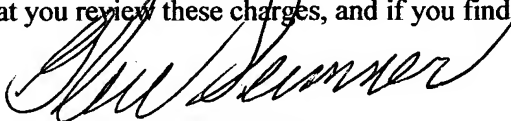
Inventor: Glen Sumner

This is a request for an extension of time of **two months** to correct the Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in An Expired Patent. The reasons for requesting the extension of time are as follows:

I filed a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in An Expired Patent along with the payment for the maintenance fee and the fee for reviving the patent. I filed this on March 7, approximately two weeks after the patent expired. I signed the payment form, but failed to sign the Petition itself. The patent office rejected the petition because I did not sign it (although I did sign the certificate of service). The Patent Office attempted to inform me of this rejection in a letter dated June 17, 2011. However, this letter was sent to original address of record, which was the address of the law firm that originally handled the application. This law firm is no longer in business, and the letter was returned to the US patent office. I only learned about this rejection of my Petition when I checked on line after becoming concerned that I had not received a reply from the patent office. After calling the Patent Office, I received a copy of the letter by fax on October 7, 2011. According to the letter, I was allowed only two months to make the corrections to my Petition, but because I never saw the letter until October 7, 2011, I cannot respond within that time frame, and I need an additional two month extension of time.

I submit this Petition for an extension of time along with my signed Petition to Accept an Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent. Because you already have my payment for the maintenance fee, and the reinstatement fee, I have included a payment of \$280.00. The amount of the fee for the extension (\$280.00) is taken from the following USPTO web page:

<http://www.uspto.gov/web/offices/ac/qs/ope/fee092611.htm#extend>. I have also included the \$400.00 payment you said you required in your June 17, 2011 letter, but I question as to the purpose or validity of that fee under the circumstances. I therefore request that you review these charges, and if you find that I have overpaid, I request a refund of the overpayment.

 October 11, 2011

Certificate of Transmission

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner of Patents, P.O. Box 1450 Alexandria VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

October 11, 2011
Date


Glen Sumner (inventor)